

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD FOR SIMULTANEOUS IDENTIFICATION OF DIFFERENTIALLY EXPRESSED mRNAs AND MEASUREMENT OF RELATIVE CONCENTRATIONS

The specification of which

a.    is attached hereto

b. X was filed on 11/12/93 as application serial no. 08/152,482 and was amended on    (if applicable) (in the case of a PCT-filed application) described and claimed in international no.    filed    and as amended on    (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. X no such applications have been filed.

b.    such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119

| COUNTRY | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|---------|--------------------|--------------------------------------|-------------------------------------|
|         |                    |                                      |                                     |
|         |                    |                                      |                                     |

ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)

| COUNTRY | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | DATE OF ISSUE<br>(day, month, year) |
|---------|--------------------|--------------------------------------|-------------------------------------|
|         |                    |                                      |                                     |
|         |                    |                                      |                                     |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
|                         |                                   |                                       |
|                         |                                   |                                       |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

|                     |                  |                         |                 |                         |                 |
|---------------------|------------------|-------------------------|-----------------|-------------------------|-----------------|
| Adriano, Sarah B.   | Reg. No. 34,470  | Golla, Charles E.       | Reg. No. 26,896 | Reiland, Earl D.        | Reg. No. 25,767 |
| Bazili, Brian H.    | Reg. No. 32,960  | Gould, John D.          | Reg. No. 18,223 | Schmidt, Cecil C.       | Reg. No. 20,566 |
| Beard, John L.      | Reg. No. 27,612  | Gresens, John J.        | Reg. No. 33,112 | Schuman, Mark D.        | Reg. No. 31,197 |
| Beck, Robert C.     | Reg. No. 28,184  | Hamre, Curtis B.        | Reg. No. 29,165 | Schumann, Michael D.    | Reg. No. 30,422 |
| Berman, Charles     | Reg. No. 29,249  | Hassing, Thomas A.      | Reg. No. 36,159 | Schwappach, Karl G.     | Reg. No. 35,786 |
| Bogucki, Raymond A. | Reg. No. 17,426  | Hillson, Randall A.     | Reg. No. 31,838 | Smith, Jerome R.        | Reg. No. 35,684 |
| Bruess, Steven C.   | Reg. No. 34,130  | Hurey, Michael          | Reg. No. 33,513 | Sorensen, Andrew D.     | Reg. No. 33,606 |
| Byrne, Linda M.     | Reg. No. 32,404  | Kastelic, Joseph M.     | Reg. No. 37,160 | Strawbridge, Douglas A. | Reg. No. 28,376 |
| Carlson, Alan G.    | Reg. No. 25,959  | Kowalchuk, Alan W.      | Reg. No. 31,535 | Strodthoff, Kristine M. | Reg. No. 34,259 |
| Carter, Charles G.  | Reg. No. 35,093  | Kowalchuk, Katherine M. | Reg. No. 36,848 | Summer, John P.         | Reg. No. 29,114 |
| Caspers, Philip P.  | Reg. No. 33,227  | Lasky, Michael B.       | Reg. No. 29,555 | Summers, John S.        | Reg. No. 24,216 |
| Clifford, John A.   | Reg. No. 30,247  | Lynch, David W.         | Reg. No. 36,204 | Tellekson, David K.     | Reg. No. 32,314 |
| Conrad, Timothy R.  | Reg. No. 30,164  | Mau, Michael L.         | Reg. No. 30,087 | Underhill, Albert L.    | Reg. No. 27,403 |
| Daley, Dennis R.    | Reg. No. 34,994  | McDonald, Daniel W.     | Reg. No. 32,044 | Vandenburgh, J. Derek   | Reg. No. 32,179 |
| DeFrank, Edmond A.  | Reg. No. P37,814 | McDonald, Wendy M.      | Reg. No. 32,427 | Vietzke, Lance L.       | Reg. No. 36,708 |
| DiPietro, Mark J.   | Reg. No. 28,707  | Moy, R. Carl            | Reg. No. 30,725 | Welter, Paul A.         | Reg. No. 20,890 |
| Edell, Robert T.    | Reg. No. 20,187  | Mueting, Ann M.         | Reg. No. 33,977 | Williams, Douglas J.    | Reg. No. 27,054 |
| Farber, Michael B.  | Reg. No. 32,612  | Nelson, Albin J.        | Reg. No. 28,650 | Wood, Gregory B.        | Reg. No. 28,133 |
| Gates, George H.    | Reg. No. 33,500  | Plunkett, Theodore      | Reg. No. 37,209 | Yip, Philip S.          | Reg. No. 37,265 |
|                     |                  | Rasch, Kevin W.         | Reg. No. 35,651 |                         |                 |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby consent that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

I direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Suite 400, 11150 Santa Monica Boulevard, Los Angeles, CA 90025-3395  
Telephone No. (310)445-1140

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                           |                            |  |                                |                                      |
|---------------------------|----------------------------|--|--------------------------------|--------------------------------------|
| 201                       | Full Name<br>Of Inventor   | Family Name<br>ERLANDER                  | First Given Name<br>MARK       | Second Given Name<br>G.              |
| 201                       | Residence<br>& Citizenship | City<br>ENCINITAS                        | State or Foreign Country<br>CA | Country of Citizenship               |
| 201                       | Post Office<br>Address     | Post Office Address<br>1352 VIA TERRASSA | City<br>ENCINITAS              | State & Zip Code/Country<br>CA 92024 |
| 202                       | Full Name<br>Of Inventor   | Family Name                              | First Given Name               | Second Given Name                    |
| 202                       | Residence<br>& Citizenship | City                                     | State or Foreign Country       | Country of Citizenship               |
| 202                       | Post Office<br>Address     | Post Office Address                      | City                           | State & Zip Code/Country             |
| 203                       | Full Name<br>Of Inventor   | Family Name                              | First Given Name               | Second Given Name                    |
| 203                       | Residence<br>& Citizenship | City                                     | State or Foreign Country       | Country of Citizenship               |
| 203                       | Post Office<br>Address     | Post Office Address                      | City                           | State & Zip Code/Country             |
| Signature of Inventor 201 |                            | Signature of Inventor 202                |                                | Signature of Inventor 203            |
| Date<br>2/9/94            |                            | Date                                     |                                | Date                                 |

For Additional Inventors:

— Indicate here and attach sheet with same information, including date and signature.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Adriano, Sarah B. Reg. No. 34,470  
 Batzli, Brian H. Reg. No. 32,960  
 Beard, John L. Reg. No. 27,612  
 Beck, Robert C. Reg. No. 28,184  
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Golla, Charles E. Reg. No. 26,896  
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 Mueting, Ann M. Reg. No. 33,977  
 Nelson, Albin J. Reg. No. 28,650  
 Plunkett, Theodore Reg. No. 37,209  
 Raasch, Kevin W. Reg. No. 35,651

Reiland, Earl D. Reg. No. 25,767  
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 Schumann, Michael D. Reg. No. 30,422  
 Schwappach, Karl G. Reg. No. 35,786  
 Smith, Jerome R. Reg. No. 35,684  
 Sorensen, Andrew D. Reg. No. 33,606  
 Strawbridge, Douglas A. Reg. No. 28,376  
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 Summers, John S. Reg. No. 24,216  
 Tellekson, David K. Reg. No. 32,314  
 Underhill, Albert L. Reg. No. 27,403  
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 Welter, Paul A. Reg. No. 20,890  
 Williams, Douglas J. Reg. No. 27,054  
 Wood, Gregory B. Reg. No. 28,133  
 Yip, Philip S. Reg. No. 37,265

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould to the contrary.

I direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated

Suite 400, 11150 Santa Monica Boulevard, Los Angeles, CA 90025-3395  
 Telephone No. (310)445-1140

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                            |  |                                |                                      |
|----------------------------|--|--------------------------------|--------------------------------------|
| Full Name<br>Of Inventor   | Family Name<br>SUTCLIFFE               | First Given Name<br>J.         | Second Given Name<br>GREGOR          |
| Residence<br>& Citizenship | City<br>CARDIFF                        | State or Foreign Country<br>CA | Country of Citizenship<br>USA        |
| Post Office<br>Address     | Post Office Address<br>2253 VIA TIEMPO | City<br>CARDIFF                | State & Zip Code/Country<br>CA 92007 |
| Full Name<br>Of Inventor   | Family Name                            | First Given Name               | Second Given Name                    |
| Residence<br>& Citizenship | City                                   | State or Foreign Country       | Country of Citizenship               |
| Post Office<br>Address     | Post Office Address                    | City                           | State & Zip Code/Country             |
| Full Name<br>Of Inventor   | Family Name                            | First Given Name               | Second Given Name                    |
| Residence<br>& Citizenship | City                                   | State or Foreign Country       | Country of Citizenship               |
| Post Office<br>Address     | Post Office Address                    | City                           | State & Zip Code/Country             |
| Signature of Inventor 201  | Signature of Inventor 202              | Signature of Inventor 203      |                                      |
| Date<br>2/9/94             | Date                                   | Date                           |                                      |

For Additional Inventors:  
 — Indicate here and attach sheet with same information, including date and signature.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this POWER OF ATTORNEY and the documents referred to as enclosed therein are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

Thomas Fitting  
Thomas Fitting, Reg. No. 34,163

January 13, 1995  
Date of Deposit

|             |   |   |                 |            |
|-------------|---|---|-----------------|------------|
| Applicant:  | Erlander, et al.  | ) | Group Art Unit: | 1805       |
| Serial No.: | 08/152,482  | ) | Examiner:       | P. Carter  |
| Filed:      | November 12, 1993   | ) |                 |            |
| Title:      | METHOD FOR SIMULTANEOUS<br>IDENTIFICATION OF<br>DIFFERENTIALLY EXPRESSED<br>mRNAs AND MEASUREMENT OF<br>RELATIVE CONCENTRATIONS | ) | Our Ref.:       | TSRI 401.0 |

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

As assignee of record of the entire interests of the above identified application, all powers of attorney previously given are hereby revoked, and the following attorneys and/or agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected herewith.

Douglas A. Bingham, Reg. No. 32,457  
Thomas Fitting, Reg. No. 34,163  
April C. Logan, Reg. No. 33,950  
Donald G. Lewis, Reg. No. 28,636

Please send all correspondence in the above application to:

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The Scripps Research Institute  
Patent Counsel, TPC-8  
10666 North Torrey Pines Road  
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ASSIGNEE: THE SCRIPPS RESEARCH INSTITUTE

Signature:

Douglas A. Bingham  
Douglas A. Bingham  
Assistant Secretary and General Counsel